

JAN. 31. 2006 8:45PM

JACOBSON HOLMAN PLLC

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NO. 662 P. 1

JAN 31 2006

Attorney Docket No. P66141US0

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: SCHLINGENSIEPEN et al.

Via facsimile  
571-273-8300

Application No.: 09/701,583

Group Art Unit: 1635

Filed: February 5, 2001

Examiner: J. ZARA

For: A METHOD FOR STIMULATING THE IMMUNE SYSTEM

## TRANSMITTAL

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith by facsimile please find:

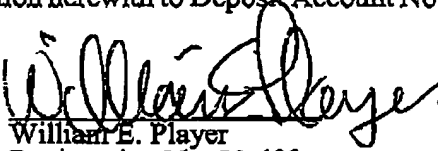
- ☒ Response to Election/Restriction Requirement
- ☐ Petition for extension of time
- ☐ Fee payment      ☐ Payment Form PTO-2038 (credit card) for \$ \* is attached.
- ☐ Charge \$ \* to Deposit Account No. 06-1358.
- ☒ Small entity status established in connection with the subject application.

Fee Calculation					
Excess Claims					
	Nº of Claims	Highest Nº Paid For	Excess Claims	Small Entity Fee	Large Entity Fee
Total	*	⊖ * =	0	⊗ \$9 = \$	⊗ \$18 = \$
Ind.	*	⊖ * =	0	⊗ \$42 = \$	⊗ \$84 = \$
( ) Multiple Dependent Claims (1 <sup>st</sup> Filing)				⊗ \$140 =	⊗ \$280 = \$
Excess Claims Fee				\$	\$
Extension of Time Fee				\$	\$
Other:				\$	\$
Total Fee Due				\$0	\$0

- ☒ If a petition for extension of time is necessary, but not enclosed, then this acts as the petition.  
Charge any fees additionally necessary in connection herewith to Deposit Account No. 06-1358.

JACOBSON HOLMAN PLLC  
400 Seventh Street, N. W.  
Washington, D.C. 20004-2201  
Tel. (202) 638-6666  
Fax (202) 393-5350  
Date: January 31, 2006

By

  
 William E. Player  
 Registration No. 31,409

E:\Home\thomas\wep\2006\January\P66141 tm.wpd

JAN. 31. 2006 8:45PM

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NO. 662 P. 2

JAN 31 2006

Attorney Docket No. P66141US0

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: SCHLINGENSIEPEN et al.

Via facsimile  
571-273-8300

Application No.: 09/701,583

Group Art Unit: 1635

Filed: February 5, 2001

Examiner: J. ZARA

For: A METHOD FOR STIMULATING THE IMMUNE SYSTEM

RESPONSE  
TO ELECTION/RESTRICTION REQUIREMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

Sir:

This paper, transmitted by facsimile, responds to the Office Action (election/restriction requirement) mailed January 4, 2006.

Pursuant to the election/restriction requirement applicants elect SEQ ID NO: 9 and SEQ ID NO: 14, as the two nucleotide sequences (in addition to previously elected SEQ ID NO: 7), with traverse. All remaining claims read on the elected species, and all elected species are directed against TGF- $\beta$ 2.

Applicants traverse since, under MPEP 2434, nucleotide sequences encoding the same protein are not considered to be independent and distinct and will be examined together. In the present case, SEQ ID NOS: 1-32 are antisense oligonucleotides corresponding to a single gene encoding a single protein, i.e., protein TGF- $\beta$ . Accordingly, SEQ ID NOS: 1-32 are not independent and distinct from one another.

Favorable action is requested.

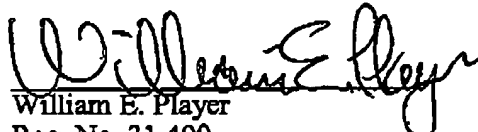
Respectfully submitted,

400 Seventh Street, N.W.  
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Tel.: 202-638-6666  
Fax: 202-3935350  
Date: January 31, 2006  
WEP/id

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JACOBSON HOLMAN PLLC

By:

  
William E. Player  
Reg. No. 31,409